

**CITY COUNCIL MEETING
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City of Dundee
City Council Meeting Minutes
June 15, 2021

Call to Order

Mayor David Russ called the meeting to order at 7:01 P.M. over ZOOM teleconferencing meeting platform.

Council and Staff Attendance

Attendance Via Zoom: Mayor David Russ; Councilors Tim Weaver, Patrick Kelly, Ted Crawford, Jeannette Adlong and David Ford. Absent: Councilor Storr Nelson. Staff Attendance via Zoom: Rob Daykin, City Administrator; Matthew Kahl, City Attorney; Greg Reid, City Engineer; Brent VanKeulen, Interim Fire Chief; and Melissa Lemen, Administrative Assistant.

Public Attendance

John Bridges, Attorney at Law, Brown, Tarlow, Bridges & Palmer, P.C., Attorneys at Law, 515 E. 1st Street, Newberg, OR 97132; Terry, Debbie & Gatlin Newhouse, 826 SW Viewcrest Drive, Dundee; Ron Mock, 110 SW Spruce Street, Dundee; Sean Rivers, Event Organizer, Fueled by Fine Wine Half Marathon; Brandon Hamilton; Paul Daquilante; Tammie Crawford; Ron & Lynda Martz; KGW News and three unidentifiable attendees via Zoom.

Agenda Changes

Additional Meeting Agenda Items provide to Council prior to the meeting: Letter from Andrew Estroff speaking to his opposition to Ordinance No. 574-2021; amended salary schedule exhibit to previously adopted Resolution No. 2021-07; New Business Item 7.6 American Rescue Plan; and updated Resolution No. 2021-10 Budget Transfers.

Public Hearing: LURA #20-16, Short Term Vacation Rentals (Continued)

Mayor Russ reopened the hearing and called it to order at 7:03 P.M. to consider Development Code amendments to incorporate new standards for short term vacation rentals. File #: LURA 20-16.

Deliberations

C. Adlong voiced concern about the enforcement of one on-street parking space; the street is a public space. C.A. Daykin explained that a discussion regarding this took place before the Planning Commission. He discussed that the main purpose of that is more to provide information that may drive a complaint process and not so much for law enforcement. Discussion ensued. C. Adlong requested clarification regarding Council's previous concern pertaining to LLC's owning more than one vacation rental property. C. Atty Kahl shared how Council concerns were addressed by the inclusion of Item 17.203.240.J.12 in the ordinance, which was explained and discussed in detail.

A motion and second was made to adopt Ordinance No. 572-2021, an ordinance amending the Dundee Development Code to update Section 17.203.240 and related sections for short term rentals. **The motion** passed unanimously.

Public Comment

Terry Newhouse, 825 SW Viewcrest Drive, read a prepared statement indicating his opposition to the proposed Second Amendment Sanctuary Ordinance and noted that the constitutionality of

federal and state laws is determined by the courts and expressed concerns with possible negative outcomes should the ordinance be adopted.

Gatlin Newhouse, 825 SW Viewcrest Drive, expressed his opposition to the proposed Second Amendment Sanctuary Ordinance and stated his concerns with federal agencies.

Debbie Newhouse, 825 SW Viewcrest Drive, stated she is not “anti-gun” and was raised around a lot of hunters; her father was an ex-police officer, but was not comfortable with this ordinance that may make her and the community less safe, and that adoption of this ordinance should be a decision of the entire community.

Consent Agenda

A **motion** was made and seconded to approve Consent Agenda Item 5.1 City Council Minutes, June 1, 2021, and Item 5.2 Financial Report Ending May 31, 2021. **The motion** passed unanimously.

Old Business

Planning Commission Appointment

Ron Mock was present at the meeting and available to answer questions. C. Adlong thanked Mock for the most complete and compelling application for Planning Commissioner that she has ever seen. She voiced enthusiasm for his return to the Planning Commission and felt he would do a good job for the City, which M. Russ voiced support of as well. C. Crawford discussed that he was on the Planning Commission at the same time as Mock was previously and voiced that he was a great Planning Commissioner. A **motion** was made and seconded to appoint Ron Mock to the Dundee Planning Commission to complete an unexpired term ending December 31, 2021. **The motion** passed unanimously. It was noted that there is still one remaining vacancy on the Planning Commission.

Fueled by Fine Wine Half Marathon

C.A. Daykin reviewed that the event organizer, Sean Rivers, met with Police Sergeant Ronning to review the safety aspects of the use of the City Streets, though explained that technically the City Council is required to approve the closure/partial closure of Fifth Street. It was also noted that Council approval is also required for a noise variance for the event, as has been provided for this same event in previous years. Sean Rivers was present to address Council questions and concerns. Rivers explained that at this time he is anticipating approximately 500 participants; the start waves will only be a few minutes apart. Rivers discussed the details of the event and explained that participants will start faster to slower so that the waves can be compressed a bit to help eliminate congestion on the course; the longest they would expect someone on the course would be 4 hours. Rivers discussed that there will also be a virtual race option which will include approximately 20-30 participants; discussion ensued. He pointed out that one of the goals of the event is also to bring tourism to the community as well. Rivers noted that he owns two Foot Traffic (running & walking footwear) stores and explained that they have been organizing local events for 20 years; they have taken over the Fueled by Fine Wine event. C. Ford inquired about whether they are still looking for volunteers for the event to which Rivers affirmed; they also donate to any volunteer group. Those interested in volunteering were asked to email Rivers directly at sean@foottraffic.us. C. Crawford offered that a request for volunteers could be advertised on the Dundee community Facebook page. Rivers discussed some of the complexities associated with planning these types of events during a pandemic.

C.A. Daykin shared his understanding that following the event there would be additional socialization provided for attendees at Billick Park. He inquired about whether OLCC permits

would be needed for the event. Rivers affirmed that OLCC permits will be needed, and C.A. Daykin described the process involved at the City. The consensus of Council was to allow the Special Event OLCC permit process to move forward for this event without their further approval. Rivers indicated that 11 wineries have signed up for the event this year. Brief discussion ensued and Rivers noted that tasting tickets are available for those not participating in the marathon. C. Weaver suggested that touching base with the Yamhill County Sheriff's office would be a good idea as the majority of the marathon course is in the County; Sgt Ronning had suggested this previously to Rivers as well. A **motion** was made and seconded to authorize the temporary closure of Fifth Street and grant the noise variance for the Fueled by Fine Wine Half Marathon on July 18, 2021, as requested. **The motion** passed unanimously.

Ordinance No. 574-2021, Second Amendment Sanctuary Ordinance

M. Russ discussed his belief that the ordinance itself seems to be missing a couple of key points that were in the original proposal including a specific date to which all of the current laws are in effect, which he noted was supposed to be March 31, 2021. He explained that this ordinance is essentially accepting all Federal laws up to date, or March 31, 2021. Discussion ensued. M. Russ pointed out that in his opinion the rules that exist are a little beyond safety and start to infringe on rights. Additionally, he pointed out that the ordinance isn't about "bad guys" and is actually making things safer for the "good guys", the people who are trying to be law abiding citizens. M. Russ explained that the ordinance is not about outlawing all laws on guns. He briefly discussed the situation in Columbia County and noted that he felt there was no challenging going on or that there is a big issue at this point. C. Crawford shared a different opinion and felt that it's a complete challenge to the law. M. Russ pointed out that nobody has brought a case against it and C. Crawford explained that the Attorney General for the State of Oregon has signed documents in support that says that it is in conflict of Oregon law; the ordinance is going through a full appraisal of whether it is an actual enforceable ordinance in Columbia County. C. Crawford made a **motion** that Council table this ordinance adoption until the Columbia District Court decides on the legality of this type of ordinance. C. Adlong **seconded the motion**. C. Ford inquired about how similar Ordinance No. 574-2021 is to the Columbia County ordinance. C. Atty Kahl explained that the ordinance presented tonight is based upon both the Yamhill and the Columbia County ordinances; those ordinances are also based in part on some general ordinances from other gun lobbying organizations that have been providing similar ordinances throughout the State and the Country. He explained that some of the particulars of the ordinance may be different, but for the most part the ordinance itself is going to be similar to those in both Yamhill and Columbia County. C. Atty Kahl explained that to his knowledge there have not been any challenges to the Yamhill County ordinance. He discussed that the Columbia County case is pending right now; to his knowledge that is the only case that is pending in Oregon right now on this topic. C. Atty Kahl described the process in greater detail and explained that as he's been advised right now, there is a hearing scheduled for July 21st and from now until then the parties will be filing some various pleadings and motions before the court for consideration. He explained that he does not have a briefing schedule for those motions tonight. M. Russ inquired about how many other Cities in Oregon have a similar ordinance to which C. Atty Kahl noted to be approximately 25 cities/counties that have a resolution or ordinance relating to Second Amendment, though they range in their depth and their contents; some are extremely short, and others go much deeper. C. Crawford pointed out his belief that the Dundee ordinance is the only one which disregards State and Federal law and provides a penalty to its agents. **The motion** did not pass: C. Crawford and C. Adlong voted aye; M. Russ, C. Ford, C. Kelly and C. Weaver voted nay.

C. Ford inquired and M. Russ provided clarification that discussed at the previous Council meeting was the addition that all existing laws to March 31, 2021, would remain in effect. He also felt that it was discussed that any new laws after March 31, 2021, would be up to the

discretion of the Council. Discussion ensued. It was noted that a newer revised version of the Ordinance had been provided via email to Council this afternoon. C. Atty Kahl viewed a draft of the Yamhill County ordinance and affirmed that Section F and Section H are present as referenced by Council members. He reviewed both sections verbally with Council and explained that there is similar language included in the proposed ordinance under B.6.; he offered that this information could be revised as Council desires. C. Atty Kahl read aloud Section 2.06 as referenced in the Yamhill County ordinance. M. Russ voiced support of a set date provided in the Dundee ordinance where everything that's existing for Federal & State is enforced, and then also the discretion over new law rather than disregarding them. C. Atty Kahl pointed out that the ordinance has been modified from a County ordinance to an ordinance for the City; additional work can be completed to reflect the desired revisions. M. Russ inquired about whether there is any verbiage in the ordinance which states that the City would comply with the County, though C. Atty Kahl discussed his belief that there is nothing currently in the ordinance that discusses compliance with a County ordinance. M. Russ requested that the edits be completed and brought back to Council for review.

Fire Chief Recruitment

Brandon Hamilton was present and introduced himself to Council. He explained that he and his family are excited about the opportunity in Dundee; he is looking forward to getting started. Hamilton provided some brief background information about himself and indicated that he and his family are excited to become part of the Dundee community. He explained that yesterday he came to the Fire Station and met with Interim Fire Chief VanKeulen; he got to meet the career staff and was able to stay for drill last night and meet many of the volunteers. He noted that he was very impressed and is looking forward to being a part of the team. Hamilton voiced appreciation for the opportunity and indicated that he looks forward to serving the City well. He discussed that he & his family will plan to relocate to the area within the residency requirement zone. C. Ford voiced his enthusiasm for Brandon's employment with the City. C.A. Daykin reviewed many of the details contained in his agenda report on page 67. **A motion** was made and seconded to approve the hiring of Brandon Hamilton as Dundee Fire Chief and to authorize vacation accrual to begin at three weeks per year (year 6) and to authorize the first 40 hours to be banked on his first day, with monthly accrual starting after completion of the first four months of employment. **The motion** passed unanimously.

Resolution No. 2021-08, Adopt Budget for FY 2021-22

C.A. Daykin discussed that as a result of the Hearing at the last meeting, he included the change that the City Council recognized in terms of financing the water tender (included in the final appropriations for this ordinance) as well as updated where he thinks the current fiscal year will end and changes associated with that are now reflected in the budget. Brief discussion ensued. C. Crawford inquired about what the difference was for the ending balance versus the forecasted balance for the general fund. C.A. Daykin noted it to be approximately \$57,400 over what was originally estimated, which is 45.6% greater. He shared that the projected balance for the end of the fiscal year with the changes is now \$183,400 for the general fund. **A motion** was made and seconded to adopt Resolution 2021-08, a resolution adopting the 2021-2022 fiscal year budget, appropriating funds and levying property taxes for the fiscal year 2021-2022. C.A. Daykin acknowledged that C. Ford did request to have a discussion with City Council regarding the health of the general fund. C. Ford discussed that he does have concerns moving forward though noted that it is encouraging that the revenue is now slightly stronger than it was. He discussed that his broader concern is the downward trajectory that the City is on currently. C. Ford explained that he will reluctantly support this resolution but has concerns. He suggested that either the Council as a whole or possibly through the formation of a Committee to review some potential options with the City Administrator that could be considered. Brief discussion ensued regarding potential solutions, including those involving potentially the merging of the Dundee

Fire Department with the Rural Fire District. C. Ford discussed the importance of the City keeping up with the ability to maintain a good quality of life in the City of Dundee (by having good general funding for our streets, etc.) as the community grows and changes. M. Russ voiced support of these concerns as well and discussed the potential merging of the Fire entities in greater detail as well. He also voiced that another option might also be a general levy, perhaps only a 0.1% or 0.2%, just to bring the City up to a level more equal to other cities in the County. M. Russ proposed that perhaps another idea could be the initiation of a big 4th of July event in Dundee. The consensus of Council was to move forward with these discussions in the near future and not continue on this current trend. **The motion** passed unanimously.

New Business

PGE Easement

C.E. Reid was available to address Council questions and concerns. He reviewed the background information contained in his memo on page 73. **A motion** was made and seconded to approve the PGE Service Easement for the Verizon Tower and authorize the City Administrator to execute the document. **The motion** passed unanimously.

EV Charging Station Proposal

M. Russ voiced support of the idea but did not favor the charging station location next to the building; C. Crawford suggested that the charging station not being located in the front of the building at all. Jeff Myers, Station Captain, was not in attendance at the meeting tonight. C.A. Daykin explained that he had discussed with Captain Myers that the location for the parking should have Council approval and not interfere with operations. C.A. Daykin discussed that the point of the proposal tonight is to gain Council approval that this is a viable consideration; if the grant is received and things are able to move forward, then a ground lease would be brought back to Council for review. C.A. Daykin offered to convey to the applicant that Council desires not to place the future EV stations adjacent to the building. C. Ford inquired about whether a fee would be charged for those who use the charging station. C. Weaver explained that there is a charge to use a charging station and voiced support that this proposal is a great idea. M. Russ suggested that C.A. Daykin look into the possibility of percent rent; it may not be beneficial to begin with but if included in the contract it could be good in the future. C. Crawford suggested leasing the parking spaces for \$250/parking space/month rather than \$200/parking space/month, which would total \$12,000 in revenue per year, with a 2% increase annually. C. Kelly and C. Ford agreed with this suggestion as well. C. Weaver and C. Ford suggested that a charging station be considered for the City Hall parking lot as well. Brief discussion ensued. The consensus of Council was to authorize the City to execute the letter of intent with the modification on the lease rate to \$250/parking space/month and have a discussion with the application to not show spaces adjacent to the fire station structure. C. Ford suggested asking them to evaluate the City Hall location as well which C.A. Daykin indicated that he would do.

Resolution No. 2021-09, Supplemental Budget

A motion was made and seconded to approve Resolution No. 2021-09, a resolution adopting a supplemental budget for fiscal year 2021-21. **The motion** passed unanimously.

Resolution No. 2021-10, Budget Transfers

C.A. Daykin discussed that this resolution was modified and was provided to Council via email this afternoon. He explained that the change is that he added additional language at the end of the exhibit on what would be page 94 to add the Street Fund; the change would include using the \$5,000 contingency to transfer that to appropriations for street sweeping. **A motion** was made and seconded to adopt Resolution No. 2021-10, a resolution transferring budget line-item

amounts within a fund or between funds for fiscal year 2020-2021 according to the amended documents sent before the meeting. **The motion** passed unanimously.

Parks Advisory Committee Appointments

C.A. Daykin provided clarification that Nick Gilbert did not wish to seek reappointment for the Committee at this time, though he said he would be available if there were any issues which might deal with the biking community. **A motion** was made and seconded to appoint Jeannette Adlong, David Dixon, Jill Bilka, Noel Johnson, Beth Humphrey, and Kristin Gorton to the Dundee Parks Advisory Committee with the terms ending June 30, 2023. It was noted that there is now once vacancy on the Committee. **The motion** passed unanimously.

American Rescue Plan

C.A. Daykin provided background information and reviewed some of the details as provided in his meeting agenda report, a copy of which was added to the packet materials. He explained that Commissioner Starrett had planned to attend tonight's meeting, though he believes that upon finding out that the City of Dundee was at a different stage in the budget process she then asked him to let her know what Dundee wants. C.A. Daykin discussed that he did contact Commissioner Casey Kulla who provided clarification regarding the process. He explained that the Commissioners have discussed setting aside \$6.5 million to be used for sharing with the cities for water and sewer infrastructure projects. In talking further with Commissioner Kulla, a grant process will be written up which they hope to roll out in the summer. From his perspective, it appeared that one potential requirement for the grant funding would be for it to be expended in the fiscal year. C.A. Daykin reviewed the list of potential projects/needs for the City of Dundee which he has compiled and asked for any input from Council. M. Russ suggested that the last set of membranes at the WWTP would be one thought; discussion ensued. C.A. Daykin voiced support of that idea and suggested that related to that would be to actually replace the existing MBRs that are getting towards end of life anyway. He explained that this would save a huge amount of money for the rate payers to be set aside for the future expansion as well. M. Russ suggested that blanket manhole sealing is another project which comes to mind, which C.A. Daykin related to a CIP lining project which could potentially be coupled to create a large I&I project. Discussion pertaining to project ideas ensued. C.A. Daykin indicated that he will add the additional MBR replacements to the list of project ideas.

Amended Salary Schedule Exhibit

C.A. Daykin informed Council that there was a correction made to the salary schedule adopted previously by Resolution No. 2021-07. A copy of the revised salary schedule exhibit was provided to Council via email earlier this afternoon. C.A. Daykin explained that when he attached the exhibit for the resolution it still had the old Range 46 on it for the Fire Chief position that was used during the earlier part of the budget process; City Council had decided to change that to Range 48 for the Fire Chief at the June 1, 2021, City Council meeting. **A motion** was made and seconded to enter the amended salary schedule exhibit into Resolution No. 2021-07 to replace the scale there previously. **The motion** passed unanimously.

Council Concerns and Committee Reports

None.

Mayor's Report

M. Russ discussed that the Parkway Committee has been trying to work up the local match that the Federal government will require to complete Phases 2 & 3 of the bypass. He explained that the amount of funds required he believed to be close to about what was put into Phase 1; Dundee committed \$50,000 previously which the City is currently making payments on. M. Russ

explained that the Parkway Committee is working with ODOT to try to refinance the old debt into a new one with a lower interest rate and potentially extend the term of the loan; the City payment would be relatively the same as the loan would just be extended to make the additional input into the local match. M. Russ explained that the completion of the bypass project is very important for Dundee. He acknowledged that there has been concern previously expressed (himself included) about the fact that not all cities in the County are providing funds towards the local match. Discussion ensued and it was noted that Amity, Yamhill and Carlton are likely not participating; he is unsure whether Sheridan or Willamina will be contributing either. M. Russ voiced that he has been encouraging the Committee to request even a small contribution from each of these local cities to show that they are in this with everyone. He explained that David Haugeberg, the Committee Chair, has indicated that he's tried to push that but is not gaining a lot of ground. M. Russ also discussed that the County is potentially offering to put in a pool of money on behalf of these smaller cities. He discussed that the Committee is working hard to get things as close to shovel ready as possible because of a potential giant influx of infrastructure funds coming out of the federal government. Brief discussion ensued. C. Crawford pointed out that property values in these nearby cities will increase with the completion of the bypass which will be a benefit to them.

City Administrator's Report

C.A. Daykin discussed that last Friday he had a great meeting with the City Planner and representatives from the school district to talk about the land use processes they would need to go through if they were to change the zoning for the subarea C (on the Lindquist property) for the placement of a new elementary school. He explained that City Staff did indicate that they would be authorized to take the lead in the application process even though it is a legislative action; he made it clear that the City does not have the resources to complete the work for them. C.A. Daykin explained that the City also received word that the designated Planner resigned and his end of work will be next week. It was noted that the City of Newberg is now in the position of replacing their planning manager; they made contact with the COG and they are willing to extend limited services to cover Dundee in the interim. M. Russ inquired about whether there may be other ways which might be efficient to consider obtaining planning services. C.A. Daykin discussed that the City could start another contract with MIG or similar entity, though it was noted that there is a significant increase in costs in going in that direction. C. Crawford suggested that the City of McMinnville could be a potential resource. C.A. Daykin discussed that he favors continuing to move forward with seeking planning services through Newberg at this time; the City also has a relationship with the building official.

The meeting was adjourned at 8:52 P.M.



David Russ, Mayor

Attest:



Rob Daykin, City Administrator/Recorder